

**REMARKS**

In an Office Action dated July 19, 2012, the Examiner rejected claims 1, 2, 4-8, 10-16, and 18-21 under 35 U.S.C. §102 as anticipated by Kitsukawa et al. (U.S. Patent 6,282,713); and rejected claims 3, 9 and 17 under 35 U.S.C. §103(a) as unpatentable over *Kitsukawa*.

Applicants have amended the independent claims herein to clarify, if such clarification be necessary, the nature of the “presentable data” and accessing it, and to further recite recording both the interactive television signal and the presentable data. Conforming amendments have been made to various dependent claims. As amended, the claims are patentable over the cited art.

Applicants’ invention relates to the use of interactive television, and in particular to recording an interactive television program for later presentation to a viewer in its original interactive form. Interactive television contains viewer-selectable links to additional data which can be presented to the viewer (herein called “presentable data”). The presentable data is not normally transmitted to the viewer’s device unless requested by the viewer by selecting the corresponding link. Selecting the link causes an interactive television device (e.g., a “set-top box”) to access the desired presentable data associated with the selected link and display it on the television screen.

This system functions adequately when the links are selected in real-time, but if a viewer wishes to record an interactive television program for viewing at a later time, the program will not necessarily provide the same interactive experience. The links might not be recorded, so that the program is no longer interactive. But even if the links are recorded, the “presentable data” is not necessarily the same as what was available at the time of the original broadcast. Links might not be active or data can change.

Applicants propose to provide the capability to record and playback interactive television programs, such that the content which is displayed and that which is available for optional display via selectable links is the same as the originally broadcast program, i.e., the entire interactive viewing experience is the same. In accordance with applicants' preferred embodiment, upon a viewer command to record an interactive television program, the recording device not only records the broadcast interactive television data signal, but also examines the signal for any viewer-selectable links, and with respect to each link, accesses and records the "presentable data" associated with the link, i.e., it records the "presentable data" in the same form that would have been available had the viewer actually selected the corresponding link while viewing the broadcast. This "presentable data" is available for presentation to the user during playback by selecting the link.

A significant feature of applicants' invention, not disclosed or suggested by the cited reference, is that "presentable data" ***which is not broadcast*** is automatically accessed and recorded.

Applicants' representative claim 1, as amended, recites:

1. A method for recording an interactive television program, said method comprising:  
receiving, by an interactive television recording device, an interactive television signal containing a displayable television program signal and at least one interactive link, *each said interactive link associated with respective presentable data not included in said interactive television signal, each said respective presentable data being separately accessed data which, responsive to selection of the respective interactive link by a viewer of said interactive television program, is accessed from a respective remote source and displayed with said interactive television program; and*  
in response to a record input, *automatically accessing, with said interactive television recording device, each said respective presentable data associated with said at least one interactive link from the respective remote source and recording said interactive television signal and said presentable data into at least one data storage medium.* [emphasis added]

Independent claims 8 and 15, while not identical in scope, contain limitations analogous to those italicized above.

*Kitsukawa* discloses a mechanism for displaying on-demand advertising with a broadcast television program. During the broadcast of a scene associated with particular advertising, a message is superimposed on the screen informing the viewer of the advertising. The viewer can select an indicator, and in response the advertising will be displayed. *Kitsukawa* discloses several different operating modes. In one of these modes, the advertising data is transmitted to a viewer's local device and stored in a buffer before broadcast of a scene with which the advertising is associated, and can be displayed by the viewer either with the scene or later.

The Examiner reasons that *Kitsukawa*'s advertising is "presentable data" which is stored. The Examiner further finds that the limitation of an "interactive link" is met by *Kitsukawa*'s disclosure that "The timing data links the advertising information to the corresponding television program scenes and items".

Applicants have clarified the independent claims as explained above. As clarified, the claims are not disclose or obvious over *Kitsukawa* because *Kitsukawa does not disclose or suggest that "presentable data" is accessed separately from a remote source responsive to viewer selection of the interactive link*. *Kitsukawa*'s advertising information is transmitted automatically along with the television program data as part of the broadcast, and is transmitted independently of any user selection. As used in applicants' claims, "interactive link" is a noun. The exemplary link is a link to a web page, a well known usage. The quoted passage from *Kitsukawa* uses the word "links" as a verb, to describe something done with the "timing data". This "timing data" is not something which is user selectable to cause other data to be accessed.

Referring to specific claim limitations, *Kitsukawa* does not disclose or suggest an “interactive link associated with ... presentable data not included in said interactive television signal, ... said ... presentable data being separately accessed data which, responsive to selection of the respective interactive link by a viewer of said interactive television program, is accessed from a ... remote source and displayed with said interactive television program”. As explained, *Kitsukawa*’s advertising data is broadcast along with the television program. There is no separate access of the advertising data from a remote source. If *Kitsukawa*’s viewer selects an indicator associated with advertising, the broadcast advertising data is displayed, but nothing is accessed from a remote source responsive to the selection.

Nor does *Kitsukawa* disclose or suggest “automatically accessing ... each said respective presentable data associated with said at least one interactive link from the respective remote source” when in recording mode, as claimed. *Kitsukawa* merely records a broadcast stream of data, without any need to access it.

For all of the reasons explained above, the claims as amended are neither anticipated by nor obvious over *Kitsukawa*.

In view of the foregoing, applicants submit that the claims are now in condition for allowance and respectfully requests reconsideration and allowance of all claims. In addition, the

Examiner is encouraged to contact applicants' attorney by telephone if there are outstanding issues left to be resolved to place this case in condition for allowance.

Respectfully submitted,

CARY LEE BATES, et al.

/ Roy W. Truelson /

By: \_\_\_\_\_

Roy W. Truelson

Registration No. 34,265

Telephone: (507) 289-6256 (Office)  
(507) 202-8725 (Cell)